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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/606,469	06/25/2003	Philip M. Sadler	55138-CON(71331)	3506
21874	7590	02/17/2004	EXAMINER	
EDWARDS & ANGELL, LLP			NGUYEN, THONG Q	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	

2872

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/606,469

Applicant(s)

SADLER, PHILIP M.

Examiner

Thong Q. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 11-14 is/are rejected.
- 7) ☒ Claim(s) 7, 9, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The present Office action is made in response to the Pre-Amendment filed on 6/25/2003. It is noted that in the mentioned pre-amendment, applicant has made amendments to claims 1, 4-9, 11 and 13-16 and canceled claims 17-20. The pending claims 1-16 are examined in this Office action.
2. The request to amend the specification by adding the information relating to the Continuation of the present application as stated by the applicant in the papers filed on 6/25/2003 has been considered but has not yet entered into the present application because the amendment to the specification as made by the applicant does not comply with the rule. Applicant should positively indicate the section or phrases which applicant wishes to enter into the present specification.

Drawings

3. The drawings contain six sheets of figures 1-6 were received on 6/25/2003. These drawings are objected by the Examiner for the following reasons.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: In particular, the reference "38" as shown in figures 1-2 is not mentioned in the specification. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In particular, the reference "57" as stated in page 8, line 16 is not shown in at least one figure. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, each of the feature relating to the light source for providing light to the translucent screen as recited in claim 3, and the feature relating to the structure and structural relationship between the telescope support and the telescope frame as recited in claim 12 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

7. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

8. The specification is objected to because the Summary does not comply with the requirement as set forth in 37 CFR 1.73(d) which requires a brief description/summary. Appropriate correction is required.

9. The disclosure is objected to because of the following informalities: a) The specification, in particular, in pages 8 and 11, is objected to because applicant has used different references for the same items. In particular, in pages 8 and 11, applicant has used the references 57 and 60 for the telescope frame; b) The specification is objected to because applicant has used the same reference for different items. In particular, in page 14, lines 3 and 20, applicant has used the reference 36 for both the viewing screen and the sun. Appropriate correction is required.

Claim Rejections - 35 USC § 112

10. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

11. Claim 12 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The device as recited in claim 12 is rejected under 35 USC 112, first paragraph because the specification does not disclose the use of a telescope support device has a diameter which is smaller than the diameter of the telescope frame as claimed.

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12. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

13. Claims 3, 8 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) Claim 3 is unclear due to the recitation of the so-called "impacting light source" (line 3) and the recitation of the sun as can be seen in base claim 1 (line 2). In other words, it is unclear which light source, i.e., the sun or a light source different from the sun, is used in the system.

b) Claim 8 is unclear due to the use of the language thereof "wherein regular polygon shape... triangular" (lines 1-2). Applicant should note that the base claim 1, lines 5-6, does not provide support for the so-called "regular shape" recited in claim 8. The use of the terms "regular shape" can be seen in claim 7; however, the claim 8 is drafted as a dependent claim of claim 1.

c) Claim 13 is indefinite because the features relating to the center of the primary and the center of the first mirror (or prism" as recited in last two lines of the claim lack proper antecedent basis.

d) Claim 14 is indefinite because it is unclear about the bound and metes defined by the recitation thereof "other straight reference object...of light" (claim 14, lines 2-3).

e) The remaining claim is dependent upon the rejected based claim and thus inherits the deficiencies thereof.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 1-2, 4-6, 11 and 13-14, as best as understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over James (U.S. Patent No. 3,603,664, submitted by applicant) in view of Braymer (U.S. Patent No. 2,753,760).

James discloses a telescope system having a telescope rotatably mounted on a mounting system. The telescope system as described in columns 3-4 and shown in figures 1-2 comprises the following features: First, a telescope assembly having optics including at least two light folding elements (24, 25, 26), an eyepiece or camera (28) disposed near the focus (F) of the system, a projecting surface located around the position of the eyepiece or camera; Second, a telescope frame (14) of a spherical configuration for supporting the optics of the telescope assembly; and Third, a mounting system (12) having a curved supporting surface for rotatably supporting the telescope frame wherein the center of curvature of the curved surface © does not change during the process of rotation the telescope frame . It is also noted that each of the light folding elements is in the form of a mirror, and the range of the rotating angle cover a range of 0 degree to 90 degrees as claimed in present claim 5. The use of bearing elements (30) and ring (40) will stabilize the telescope frame at any specified elevation.

There are two things missing from the telescope system provided by James are as follow: First, he does not explicitly state the use of an objective lens in the telescope assembly, and Second, he does not disclose the use of a pointing system with the telescope. However, a telescope system having a lens located in the object side of the telescope which also comprises a pointing system is known to one skilled in the art as can be seen in the telescope system provided by Braymer. In his telescope system described in columns 2-3 and shown in figures 1-2, Braymer discloses the use of a lens element (7) at the object side of the telescope system and a pointing system having objective lens (19') which is in combination with a prism (18) provides a visual guide having an optical axis parallel to the axis of the light incident onto the first mirror (5,6). Thus, it would have been obvious to one skilled in the art at the time the invention was made to modify the telescope system having a telescope frame supporting optics and a mounting system as provided by James by using a telescope assembly having a lens in the object side as suggested by Braymer for the purpose of correcting the image aberrations and a pointing system integrally to the telescope frame supporting the optics as suggested by Braymer for the purpose of providing a means for finding the object before an observation.

Allowable Subject Matter

16. Claims 3 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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17. Claims 7, 9-10 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if each of claims 7, 15 and 16 is rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. The following is an examiner's statement of reasons for allowance:

The device as claimed in claim 3/1 is patentable with respect to the cited art by the limitation relating to the use of a translucent screen for displaying an image wherein the image is observable from the exterior of the telescope frame which telescope frame satisfies the following structural features: 1) the telescope frame having an exterior cross-section of a circle or polygon and supports a telescope assembly including an objective lens, at least two light folding devices, a second lens and a projection surface; and 2) a curved support device supports the telescope frame and permits adjustment of the telescope altitude.

The device as claimed in each of claims 7 and 8 is patentable with respect to the cited art by the limitation relating to the cross-section in the form of a polygon or a triangle of the telescope frame which telescope frame satisfies the following structural features: 1) the telescope frame having an exterior cross-section of a circle or polygon and supports a telescope assembly including an objective lens, at least two light folding devices, a second lens and a projection surface; and 2) a curved support device supports the telescope frame and permits adjustment of the telescope altitude.

The device as claimed in each of claims 15 and 16 is patentable with respect to cited art by the limitation relating to the pointing system having a second aperture and a

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pointing target located inside the telescope such that the line defined by the pointing target and the second aperture is parallel to the rays of light passing through the objective lens and strikes the first mirror/prism.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

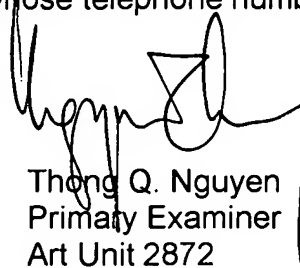
Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong Q. Nguyen whose telephone number is 571-272-2316. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A. Dunn can be reached on (703) 305-0024. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 0956.



Thong Q. Nguyen
Primary Examiner
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